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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/724,958      | 12/01/2003  | William J. Bufkin    |                     | 3614             |

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| EXAMINER |
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EDELL, JOSEPH F

| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/724,958

Applicant(s)

BUFKIN, WILLIAM J.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/01/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 2, 5, 6, 8, and 17-19 are objected to because of the following informalities:

- a. claim 1, line 1, "table" should read --mouse table--;
- b. claim 2, line 2, "where" should read --when--;
- c. claim 5, line 1, "incline" should read --inclined--;
- d. claim 6, line 4, "fo" should read --of--;
- e. claim 8, line 2, "pivot" should read --pivot bracket--.
- f. claim 17, line 1, "table" should read --mouse table--;
- g. claim 18, line 1, "table" should read --mouse table--;

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h. claim 19, line 1, "table" should read --mouse table--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,547,488 to Barnes.

Barnes discloses an arm support and table that includes all the limitations recited in claims 1 and 6. Barnes shows an arm support and table having a mounting unit 1 (Fig. 4) with a horizontal pivot joint 2c (Fig. 4) and a means 3,4,5 (Fig. 4) for attaching the mounting unit to an arm rest A (Fig. 4) of a chair, a pivot bracket 2 (Fig. 4) attached to the mounting unit by the horizontal pivot joint and including an upper surface 8 (Fig. 4) and an angled pivot joint (Fig. 5) proximate the upper surface such that the pivot bracket may lie in a horizontal orientation with the angled pivot joint angularly offset from the arm rest, and an arm support T (Fig. 1) attached to the pivot bracket by the angled pivot joint wherein the arm support has an arm rest cover (Fig. 1) to fit over the arm rest and a table (Fig. 1) attached to the arm rest cover.

5. Claims 1, 6, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,490,710 to Dearing et al.

Dearing et al. disclose an arm support and table that includes all the limitations recited in claims 1, 6, and 17. Dearing et al. show an arm support and table having a mounting unit 18 (Fig. 4) with a horizontal pivot joint 24 (Fig. 3) and a means 48 (Fig. 4) for attaching the mounting unit to an arm rest 14 (Fig. 4) of a chair, a pivot bracket (Fig. 6) attached to the mounting unit by the horizontal pivot joint and including an upper surface 56 (Fig. 6) and an angled pivot joint 22 (Fig. 3) proximate the upper surface such that the pivot bracket may lie in a horizontal orientation with the angled pivot joint angularly offset from the arm rest, and an arm support 16 (Fig. 3) attached to the pivot bracket by the angled pivot joint wherein the arm support has an arm rest cover 46 (Fig. 3) to fit over the arm rest and a table 44 (Fig. 3) attached to the arm rest cover and having an upward facing surface 28 (Fig. 3) with a recess 64 (Fig. 3).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 7, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearing et al. in view of U.S. Patent No. 6,347,771 B1 to Lauzon et al.

Dearing et al. disclose an arm support and table that is basically the same as that recited in claims 2, 4, 7, 9, and 18 except that the arm support and table lacks a

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vertically offset table, as recited in the claims. Lauzon et al. show an arm support and table similar to that of Dearing et al. wherein the arm support has a horizontal orientation (see Fig. 1) and an inclined table 76 (Fig. 1) separated from a cover 60 (Fig. 1) by a vertical offset 70 (Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arm support and table of Dearing et al. such that the table is separated from the arm rest cover by a vertical offset and inclined with respect to the arm rest cover, such as the arm support and table disclosed in Lauzon et al. One would have been motivated to make such a modification in view of the suggestion in Lauzon et al. that the vertically offset table permits the use of a computer mouse in a preferred fashion.

8. Claims 3, 5, 8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearing et al. in view of Lauzon et al. as applied to claims 2, 4, 7, 9, and 18 above, and further in view of U.S. Patent No. 5,335,888 to Thomsen.

Dearing et al., as modified, disclose an arm support and table that is basically the same as that recited in claims 3, 5, 8, and 19 except the arm rest cover lacks forearm and wrist channels, as recited in the claims. Thomsen shows an arm support similar to that of Dearing et al. wherein the arm support has a cover 12 (Fig. 9) with a forearm channel and a joined wrist channel 20 (Fig. 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the arm support and table of Dearing et al. such that the arm rest cover opens into a forearm channel with a joined, vertically offset wrist channel, such as the arm support disclosed in Thomsen. One would have been motivated to make such a

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modification in view of the suggestion in Thomsen that the channeled arm support prevents misuse or overuse of certain muscles and nerves while performing computer input operations.

9. Claims 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearing et al., as modified, in view of Thomsen, as applied to claims 3, 5, 8, and 19 above, and further in view of U.S. Patent No. 6,578,914 B2 to Artsvelyan.

Dearing et al., as modified, disclose an arm support and table that is basically the same as that recited in claims 10 and 12-16 except that the mounting unit lacks at least one strap and lock, as recited in the claims. See Figures 1-6 of Dearing et al. for the teaching that the mounting unit has a top wall (Fig. 4) positioned over the arm rest, a side wall (Fig. 4) connected to the top wall positioned next to the arm rest, and at least one lock 50 (Fig. 4). Artsvelyan shows an arm support similar to that of Dearing et al. wherein the arm support has a mounting unit 205 (Fig. 2) with a top wall, at least one strap 209 (Fig. 2) having a first end (Fig. 2) affixed to the mounting unit and a free second end (Fig. 2) that passes tightly around an arm rest 105 (Fig. 1), and at least one lock 211 (Fig. 2) attached to the mounting unit to lock the second end. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the arm support and table of Dearing et al. such that the mounting unit has at least one strap including a first end affixed to the mounting unit and a free second end that passes tightly around the arm rest as well as at least one lock attached to the mounting unit to lock the second end, such as the arm support disclosed in Artsvelyan. One would have been motivated to make such a modification in view of

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the suggestion in Artsvelyan that the strap and lock configuration provides an arm support that may be attached to an arm rest of virtually any shape.

### ***Allowable Subject Matter***

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to arm supports and tables:

U.S. Pat. No. 2,477,898 to Rehman et al.      U.S. Pat. No. 3,598,442 to Miller

U.S. Pat. No. 5,022,706 to Bryan      U.S. Pat. No. 5,333,929 to Slagerman

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.




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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE  
November 4, 2004

  
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